



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010



FEB 11 2004

MEMORANDUM FOR THE COMMANDER, US CENTRAL COMMAND

SUBJECT: War Souvenirs

You requested guidance on the collection of war souvenirs for the duration of Operation IRAQI FREEDOM. Attached is the interim guidance that will remain in effect until an updated DOD Directive is implemented.

Attachment:
As stated

cc:
Chairman of the Joint Chiefs of Staff

2	GENERAL COUNSEL
1	DEPUTY GENERAL COUNSEL
3	

OSD 01826-04

ATTACHMENT

30 January 2004

SUBJECT: Interim Guidance on Individual War Souvenirs

1. BACKGROUND AND PURPOSE

1.1. Enemy public and private property validly captured or seized on the battlefield and abandoned enemy property is the property of the US government. US Armed Forces personnel shall turn over all enemy property in their possession, custody or control to proper authorities (see Uniform Code of Military Justice, Article 103 (10 USC 903)). Although battlefield souvenirs traditionally provide military personnel a valued memento of their service, retaining such souvenirs is only permissible when allowed by appropriate authority.

1.2. Reference (a) (10 USC 2579) prohibits military personnel or other persons under the authority of the Armed Forces in a theater of operations from taking enemy material from that theater of operations as a souvenir, except in accordance with regulations issued by the Secretary of Defense. Although such regulations have not yet been issued following enactment of 10 USC 2579, this memorandum provides interim guidance to the Commander, US Central Command (CDR USCENTCOM) in response to reference (b). This guidance will be effective until superseded. The guidance provided by reference (c) shall not apply to any articles covered by this memorandum, nor shall this interim guidance apply to unit war souvenirs or historic artifacts, which will continue to be subject to existing Department of Defense and Military Department directives and regulations.

1.3. This guidance shall be implemented in a manner that demonstrates respect for the Iraqi people as Coalition forces engage in securing and reconstructing Iraqi infrastructure.

2. APPLICABILITY

2.1. This interim guidance applies to all US military personnel, and to civilians serving with, employed by, or accompanying the Armed Forces of the United States in the Iraqi theater of operations.

2.2. This interim guidance applies to enemy material in Iraq that is in the possession, custody or control of any individual subject to this guidance.

2.3. This interim guidance does not apply to unit war souvenirs or historic artifacts where these items are properly identified and processed in accordance with component guidance (e.g., CFLCC, CFMCC, MARCENT, or CFACC) implementing Department of Defense and Military Department directives relating to unit war souvenirs and historic artifacts.

Attachment

2.4. Individuals subject to this policy are prohibited from transporting or shipping any items prohibited by this interim guidance out of USCENTCOM's area of responsibility for personal retention or control or other unauthorized uses.

2.5. The prohibitions and requirements of this interim guidance constitute general orders that apply, without further implementation, to all military members or civilians serving with, employed by, or accompanying the Armed Forces of the United States in the Iraqi theater of operations. Violation of this interim guidance may result in prosecution under the Uniform Code of Military Justice, as well as adverse administrative action or other adverse action authorized by the United States Code or Federal regulations.

3. DEFINITIONS

3.1. War Souvenir – For purposes of this interim guidance, a war souvenir is any item of enemy public or private property utilized as war materiel (i.e., military accouterments) acquired in the Iraqi area of operations during Operation IRAQI FREEDOM (OIF) and authorized to be retained by an individual pursuant to this memorandum. War souvenirs are limited to the following items: (1) helmets and head coverings; (2) uniforms and uniform items such as insignia and patches; (3) canteens, compasses, rucksacks, pouches, and load-bearing equipment; (4) flags (not otherwise prohibited by 10 USC 4714 and 7216); (5) knives or bayonets, other than those defined as weaponry in paragraph 3.3 below; (6) military training manuals, books, and pamphlets; (7) posters, placards, and photographs; (8) currency of the former regime; or (9) other similar items that clearly pose no safety or health risk, and are not otherwise prohibited by law or regulation. Under this interim guidance, a war souvenir does not include weaponry.

3.2. Acquired – For purposes of this interim guidance, a war souvenir is acquired if it is captured, found abandoned, or obtained by any other lawful means. “Abandoned” for purposes of this interim guidance means property left behind by the enemy.

3.3. Weaponry – For purposes of this interim guidance, weaponry includes, but is not limited to, weapons; weapons systems; firearms; ammunition; cartridge casings (“brass”); explosives of any type); switchblade knives; knives with an automatic blade opener including knives in which the blade snaps forth from the grip (a) on pressing a button or lever or on releasing a catch with which the blade can be locked (spring knife), (b) by weight or by swinging motion and is locked automatically (gravity knife), or (c) by any operation, alone or in combination, of gravity or spring mechanism and can be locked; club-type hand weapons (for example, blackjacks, brass knuckles, nunchaku); and blades that are (a) particularly equipped to be collapsed, telescoped or shortened, (b) stripped beyond the normal extent required for hunting or sporting, or (c) concealed in other devices (for example, walking sticks, umbrellas, tubes). This definition applies whether an item is, in whole or in part, militarized or demilitarized, standing alone or incorporated into other items (e.g., plaques or frames).

3.4. Prohibited Items – For purposes of this interim guidance, prohibited items include weaponry and personal items belonging to enemy combatants or civilians including, but not limited to, letters, family pictures, identification cards, and “dog tags.”

4. POLICY

4.1. War souvenirs shall be permitted by this interim guidance only if they are acquired and retained in accordance with the law of war obligations of the United States. Law of war violations should be prevented and, if committed by US persons, promptly reported, thoroughly investigated, and where appropriate, remedied by corrective action.

4.2. All US military personnel and civilians subject to this policy, operating in the Iraqi theater of operations during OIF shall turn over to officials designated by CDRUSCENTCOM, all captured, found abandoned, or otherwise acquired material, and may not, except in accordance with this interim guidance, take from the Iraqi theater of operations as a war souvenir, any item captured, found abandoned, or otherwise acquired.

4.3. An individual who desires to retain as a war souvenir an item acquired in the Iraqi theater of operations shall request to have the item returned to them as a war souvenir at the time it is turned over to persons designated under paragraph 4.2. Such a request shall be in writing, identify the item and explain how it was acquired. For purposes of this paragraph and paragraph 5.4, a modified version of DD Form 603-1, 1 Jul 65, may be used. The modified DD Form 603-1 shall include an explanation of how the item was acquired, and indicate that war souvenir weaponry is not authorized.

4.4. Battlefield souvenirs have traditionally provided military personnel with a valued memento of service in a national cause. At the same time, this tradition must be carried out in such a manner so as not to tarnish the conduct of combat operations or result in mistreating enemy personnel, dishonoring of the dead, distracting from the proper conduct of operations or encouraging other unbecoming or illegal activities.

5. RESPONSIBILITIES

5.1. CDRUSCENTCOM shall establish general procedures for collecting and disposing turned-over captured or found abandoned material. These procedures, at a minimum, shall provide the following:

5.1.1. Criteria and procedures for evaluating and disposing captured or found abandoned material for intelligence, testing or other military purposes.

5.1.2. Criteria and procedures for determining when retention of captured or found abandoned material by individuals subject to this policy in the Iraqi theater of operations during OIF is appropriate. The criteria and procedures shall take into account that US military forces in OIF are liberators conducting security and stability operations in support of the Iraqi people, and shall be consistent with CDRUSCENTCOM's intent

that any captured, serviceable Iraqi equipment be secured for future use during the reformation of the Iraqi national defense force to the extent possible.

5.1.3. Criteria and procedures for disposing captured or found abandoned material to personnel subject to this policy, as an individual souvenir.

5.2. CDRUSCENTCOM shall designate officers of suitable rank and experience to review requests to retain war souvenirs by individuals subject to this policy.

5.3. Reviewing officers shall apply the following criteria in evaluating war souvenir requests:

- a. Intelligence requirements for enemy materials captured or found abandoned in the Iraqi theater of operations shall take priority over personal retention of a war souvenir.
- b. Retention of items shall be consistent with military customs, traditions and regulations.
- c. Items that shall not be approved for retention include:
 - (1) Items taken from the dead, or from prisoners of war or other detained individuals, including items bought or traded.
 - (2) Weaponry.
 - (3) Other prohibited items.
 - (4) Items deemed to be of value for a future Iraqi army.
 - (5) Items that pose safety or health risks.
 - (6) Items obtained under circumstances that expose individual or Coalition forces to unnecessary danger or are otherwise contrary to existing orders and policies. Such circumstances include:
 - (a) wandering the battlefield or other unsecured areas.
 - (b) becoming exposed to booby traps or picking up unexploded ordnance.
 - (c) looting private or public property.
 - (d) engaging in any other conduct that will bring discredit upon the US Armed Forces.

d. Items that may be approved for retention include: items that are non-lethal, relatively inexpensive and not otherwise prohibited by law or regulation.

5.4. If the officer determines that the item may be appropriately retained as a war souvenir, the item shall be turned over to the individual who requested to retain it. Appropriate documentation of this determination shall be provided to the individual; the officer making the determination shall maintain a copy for unit records. (See paragraph 4.3.)

5.4.1. The officer shall properly dispose of any item turned over by an individual that is not appropriate for retention as a war souvenir.

5.5. CDRUSCENTCOM or his delegated commanders shall ensure that US personnel subject to this policy are informed that violation of this policy may be subject to administrative or disciplinary action under the Uniform Code of Military Justice (UCMJ), Office of Personnel Management (OPM) regulations, or other US laws and regulations.

5.6. CDRUSCENTCOM shall ensure that prior to redeployment, each unit or other authority responsible for redeploying US military personnel and civilians subject to this policy: (1) are briefed prior to redeployment on this interim guidance and the limited exceptions for war souvenirs; (2) are subject to search for unauthorized items during customs pre-inspection; (3) have the benefit of established amnesty boxes; and (4) have the benefit of a review process that affords US personnel subject to this policy the opportunity to ascertain whether items are proper war souvenirs as outlined in this interim guidance.

6. EFFECTIVE DATE AND IMPLEMENTATION

This interim guidance is effective immediately.

References: (a) USCENTCOM FWD MSG/291657Z APR 03
(b) 608-4/OPNAVINST 3460.7A/ AFR 125-13/MCO 5800.6A
(c) 10 United States Code Section 2579